

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MURRAY REHRS,	)	
	)	
Plaintiff,	)	4:05CV3014
	)	
v.	)	
	)	
THE IAMS COMPANY and PROCTOR	)	MEMORANDUM AND ORDER
AND GAMBLE, INC.,	)	
	)	
Defendants.	)	
	)	

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Plaintiff has filed a motion to compel defendant to answer interrogatories and produce documents in his previously served requests for production. Since the filing of the motion the defendant has filed two certificates of service indicating that at least some of the requested information may have been provided, and defendant has argued that the plaintiff did not comply with NECivR 7.1(i) prior to filing the motion. Under these circumstances some of the motion may now be moot (although the plaintiff's request for expenses and fees cannot be mooted by providing the information sought by the motion; see Fed. R. Civ. P. 37(a)(4)(A)). I shall require counsel to confer further and notify me of what, if anything, remains in dispute.

IT THEREFORE HEREBY IS ORDERED,

Counsel shall, within ten business days, confer in accordance with NECivR 7.1(i) regarding any interrogatories and/or document requests remaining in dispute; notify the undersigned of any remaining matters for the court to resolve, including plaintiff's request for expenses and fees; and provide supplemental briefing on the matters remaining in dispute.

DATED this 13<sup>th</sup> day of July, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge